HON'BLE MR. JUSTICE V. ESWARAIAH

WRIT PETITION NO : 17820 OF 2005

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Dated 27-10-2005

Between:

Pamulapati Basavaiah, son of Pamulapati Pullaiah, 42 years, Agriculture, resident of Yajna Narayanapuram, Kollur Mandal, Khammam District.

... PETITIONER.

AND

1. Joint Sub-Registrar-II, Khammam, Khammam District and others.

...RESPONDENTS.

ORDER:

The petitioner submits that he has purchased Ac.4.05 guntas of dry agricultural land in Survey Nos. 45/AA, 46/A and 49/U situated at Y. N. Puram village, Kallur Mandal, Khammam District from the 3rd respondent for a consideration of Rs.2,27,000/-. On 28-01-2005, the 3rd respondent executed the sale deed in his favour. When the sale deed was presented before the Joint Sub-Registrar-II, Khammam, Khammam District, the same was kept pending without registration. On enquiry, he came to know that the Joint Collector, Khammam addressed a letter to the Sub-Registrar, Kallur stating that one Venkateswararao has filed representation requesting him to direct the Sub-Registrar not to register the land pending disposal of the case before the Revenue Divisional Officer.

Admittedly, the land does not belong to the Government and merely because any sale deed is registered, it does not confer any title to the vendee and therefore, I am of the opinion that the direction issued by the Joint Collector, directing the Sub-

Registrar not to register the land on the ground that there are civil disputes among the private parties, is illegal and unsustainable. There is no any provision under the Indian Registration Act to issue such a direction by the Joint Collector not to register the land.

Having regard to the facts and circumstances of the case, the writ petition is allowed, at the stage of admission, declaring the action of the 1st respondent in refusing to register the sale deed dated 28-01-2005 on the basis of a direction issued by the 2nd respondent as illegal and 1st respondent is directed to release the sale deed in favour of the petitioner. No order as to costs.

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V. ESWARAIAH, J

Dated 27-10-2005

Dvs

HON'BLE MR. JUSTICE V. ESWARAIAH

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